IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2864 OF 2006
IN
CIVIL APPLICATION NO. 2820 OF 2004
IN
FIRST APPEAL NO. 942 OF 1994

Shivprasad Shankarlal Pardeshi
since deceased by his heirs
and legal representatives
Shrikant Shivprasad Pardeshi
& Ors. ..Petitioners

versus

Ushakiran Anand Narayan Kalwar
& Ors. ..Respondents

Mr. R. S. Apte for the Petitioners.
Mr. Shelke h/f. Mr. A.A. Kumbhakoni for the Respondents.

CORAM : D. G. DESHPANDE, J.
DATE : 28TH FEBRUARY, 2007

P.C. :

1. Heard Advocate for the Petitioners and the Respondents.

2. The petitioners - original respondents had earlier filed Application No. 2820 of 2004 for permission to withdraw the amount deposited in the District Court, Solapur. After hearing the parties, an order was passed by me on 27.10.2005 and the petitioners were permitted to withdraw Rs.2,00,000/- from the District Court, Solapur, on furnishing security. At that time the original Appellants i.e.

the Respondents herein were represented by Mr. A. M. Kulkarni i/b. Mr. A. A. Kumbhakoni.

3. Now, some of the petitioners who were parties to Civil Application No. 2820 of 2004 had filed the present application i.e. Civil Application No. 2864 of 2006 to the effect that Mr. Apte was not representing all the petitioners in Civil Application No. 2820 of 2004 when he argued the said Application, i.e. Anandsing Narharsing Rajput, Shamlal Hiralal Pardeshi, Prakash Sangamlal Kalwar, Sou. Shobhadevi Girdharsingh Rajput, Deepak Hariprasad Pardeshi and Jayprakash Hariprasad Pardeshi i.e petitioners No. 2, 3, 4, 5, 6 and 7 in Civil Application No. 2820 of 2004. Mr. Apte therefore wants clarification that the order in Civil Application No. 2820 of 2004 should be confined to the petitioners in the present application i.e. Civil Application No. 2864 of 2006. Advocate holding for the respondents has no objection. Therefore, Civil Application No. 2864 of 2006 is allowed in terms of prayer clauses (a) and (b). Civil Application disposed of accordingly.

(D.G. DESHPANDE, J.)